

**DEPARTMENT OF JUSTICE**  
**HB 180: Revision of Laws Governing**  
**Driver Licenses and Identification Cards**

**Background**

The Department of Justice, Motor Vehicle Division issues driver licenses and identification cards to, and maintains driver records, for Montana residents. Individuals, businesses, law enforcement, state agencies, and the courts regularly rely upon the accuracy and authenticity of the driver licenses, ID cards and driver records supplied by the Motor Vehicle Division.

The Division also administers Montana's commercial driver licensing program. This program must meet the standards and requirements of the federal regulations adopted by the Federal Motor Carrier Safety Administration of the federal Department of Transportation. These regulations are based on laws passed by Congress. In 2003 and 2005, the Montana Legislature significantly amended Montana laws to ensure that our CDL program complies with federal standards. The Federal Motor Carrier Safety Administration (FMCSA) audited the CDL program in 2006.

**Major Changes**

HB 180, if amended as proposed,\* would authorize three major changes:

- A new \$5 application fee for Montana driver licenses, identification cards, or a replacement driver license or identification card [sections 4, 6, 18, and 23]. These new fees, when deposited to the general fund, could be used to pay for:
  - increases in driver license card production costs
  - the replacement and upgrade of automated testing at driver licensing stations, and
  - a statewide scheduling system for services provided at driver exam stations.
- Reinstatement of a pre-2005, non-federal definition of "conviction" for drivers of noncommercial vehicles [section 11]. This definition does not treat a deferred imposition of sentence as a conviction for driver records or points unless a felony violation is charged. This change:
  - restores the discretion of courts to use a deferred imposition of sentence for misdemeanor traffic violations without impacting a person's driving record or conviction points;
  - limits the FMCSA-based "conviction" definition – and its corresponding anti-masking requirement – to those who have a CDL or drive CMVs. [sections 13 and 19].
- Applies the authorized presence requirement adopted in 2005 for driver licensing to identification cards [sections 21-23]. Foreign nationals applying for a Montana identification card would be required to prove that their presence in the U.S. is authorized under federal law. The ID's expiration date would then be tied to the expiration of the federal document used to show authorized presence.

## Other Proposed Changes

*Sections 1, 3, 12 and 17* of the bill strike "temporary license" from the statute governing issuance of instruction permits and several other statutes. The temporary license authority predates the Problem Driver Pointer System (PDPS) and the Commercial Driver License Information System (CDLIS), both of which must be checked before a regular or commercial driver license is issued. Section 3 also clarifies when an instruction permit, commonly referred to as a learner's license, is used.

*Sections 1, 5 and 7* codify the practice of issuing a "motorcycle-only driver's license" to a person who rides a motorcycle and has never taken a road test in a passenger vehicle. The term is defined on page 21, lines 13-14, and incorporated in the generic definition of "driver's license" [page 5, line 3]. The fee for a motorcycle-only driver's license is explained on page 20, lines 3-4.

*Section 5* also eliminates the use of a social security number as a driver license.

*Section 2* treats identification cards the same as driver licenses in terms of allowing an authorized agent to perform certain functions under the authority of the department [page 13, line 5]. In addition to the changes outlined above, *sections 21 through 23* establish fees, expiration dates, renewal options and application requirements for identification cards similar to those for driver licenses. An 8-year ID would be issued to persons 21 or older, at a cost of \$2 per year, plus the \$5 application fee [page 34, lines 5-6, 16-17]. For the under 21 crowd, an ID card would have a 4-year term or expire on the holder's 21<sup>st</sup> birthday [page 34, lines 18-20]. Waiver of the application fee and ID card fee is proposed for those who voluntarily surrender a driver's license because they can no longer operate a motor vehicle safely due to a physical or mental disability [page 34, line 12-13].

*Section 4* requires capture of a driver license applicant's digital image and customary signature at the beginning of the application process [page 15, lines 25-26]. This feature, when combined with other security enhancements, will reduce the possibility of identify theft or fraud in the testing and license issuance processes.

*Section 4* also clarifies that a person must complete the licensing process within 1 year of payment of fees, codifies the current practice of requiring both a Montana residence and mailing address on a driver license application [page 15, lines 17-22], and integrates optional voter registration directly into the driver license application process [page 16, lines 13-16]. Finally, *section 4* eliminates the general requirement that the Motor Vehicle Division request driving records from other jurisdictions in which a person was previously licensed [page 16, lines 21-28]. Records exchange will still occur for holders of commercial driver licenses using CDLIS under the now expanded requirements of *section 18* [page 29, lines 29 through page 30, line 22].

*Section 9* deletes the requirement that individuals be notified when the Motor Vehicle Division provides the selective service, upon request and as required by law, a list of persons born in specified years who have a driver license [page 22, line 9].

*Section 10* clarifies procedures for appeal of certain driver license actions to the district court.

*Section 13* defines "commercial driver license information system", "state of record" and "conviction" for purposes of chapter 8, part 8 governing commercial drivers.

*Section 14* tweaks the serious traffic violation/speeding in a commercial motor vehicle threshold from "in excess of 15" to "15 or more" miles an hour above a posted limit.

*Sections 15 and 16* add operating under the influence of drugs or a combination of drugs and alcohol to the implied consent statutes that apply to commercial motor vehicle operators.

*Section 20* deletes the personal signature requirement for driver records certified by the Motor Vehicle Division.

**\*Proposed Amendment Reducing New Fee from \$10 to \$5**

The estimated annual cost of the customer service and security enhancements for the next driver license contract is \$1.2 million. The Fiscal Note, which uses Legislative Fiscal Division forecasts for driver license applications and renewals over the next four years, estimates that the \$10 application fee, originally proposed, will generate over \$2.3 million per year, more than twice what MVD anticipated (Assumptions #4-7).

Therefore, MVD supports an amendment to HB 180 that would reduce the new application fee from \$10 to \$5. The \$5 fee should produce enough revenue to fund the new production contract that will be negotiated this spring. The current card production contract, priced at \$3.15 per card, expires in June of 2007. Based on information from prospective vendors, MVD estimates the per card cost for the new driver license contract, with increased security features and procedures, automated testing and scheduling, will be approximately \$8 per card.